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Remarks/Arguments

Applicant has carefully considered the rejection in the previous office action and submits the following response. Claims 5 and 6 are amended to correct a typographical error.

-Double Patenting

The examiner issued a provisional nonstatutory obviousness-type double patenting rejection of claims 1-67 over claims 1-5 and 86-182 of U.S. Patent Application No. 10/795,938. Applicant does not necessarily agree with the rejection. Nevertheless, in order to move the case to issuance, a terminal disclaimer is submitted herewith.

-Rejections Under 35 U.S.C. § 112, second paragraph

The examiner rejected claims 1-67 as indefinite under 35 U.S.C. § 112, second paragraph. Amendments have been made to claims 1, 24, 32, 48, and 52. The amendments add no new matter and are believed to overcome (a) the rejection that the phrase "the unsheared target DRA" lacks antecedent basis, and (b) the rejection based on improper Markush language.

Applicant traverses the rejection on the grounds that the word "fresh" is a relative term. The word "fresh" is defined at paragraph [0011] in the specification. The definition of the word "fresh" is also a part of the pending claims. Removal of the word "fresh" from the claims would render certain claims indefinite. An example is claim 4, which specifies "replacing said used attapulugus clay with fresh attapulugus clay."

Given the definition of the word "fresh," in the specification and in the claims, the claims define the patentable subject matter with a reasonable degree of particularity and distinctness. Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

For all of the foregoing reasons, Appellant respectfully requests that all of the pending claims be allowed. The Commissioner is hereby authorized to

charge any fees in connection with this paper, or to credit any overpayment, to
Deposit Account No. 50-0997, maintained by Paula D. Morris & Associates, P.C.

Respectfully submitted,



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